

## **IC 33-37-2**

### **Chapter 2. General Court Costs Provisions for Criminal Actions**

## **IC 33-37-2-1**

### **Application of chapter**

Sec. 1. This chapter applies in criminal actions.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-2-2**

### **Costs as separate from sentence; suspension of costs prohibited; liability for costs**

Sec. 2. (a) Costs in a criminal action are not a part of the sentence and may not be suspended. However, if:

- (1) two (2) or more charges against a person are joined for trial; and
- (2) the person is convicted of two (2) or more offenses in the trial;

the court may waive the person's liability for costs for all but one (1) of the offenses.

(b) If a person is acquitted or an indictment or information is dismissed by order of the court, the person is not liable for costs.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-2-3**

### **Imposition of costs; indigency hearing; time for payment; default**

Sec. 3. (a) When the court imposes costs, it shall conduct a hearing to determine whether the convicted person is indigent. If the person is not indigent, the court shall order the person to pay:

- (1) the entire amount of the costs at the time sentence is pronounced;
- (2) the entire amount of the costs at some later date; or
- (3) specified parts of the costs at designated intervals.

(b) Upon any default in the payment of the costs:

- (1) an attorney representing the county may bring an action on a debt for the unpaid amount; or
- (2) the court may direct that the person, if the person is not indigent, be committed to the county jail and credited toward payment at the rate of twenty dollars (\$20) for each twenty-four (24) hour period the person is confined, until the amount paid plus the amount credited equals the entire amount due.

(c) If, after a hearing under subsection (a), the court determines that a convicted person is able to pay part of the costs of representation, the court shall order the person to pay an amount of not more than the cost of the defense services rendered on behalf of the person. The clerk shall deposit the amount paid by a convicted person under this subsection in the county's supplemental public defender services fund established under IC 33-40-3-1.

(d) A person ordered to pay part of the cost of representation under subsection (c) has the same rights and protections as those of other judgment debtors under the Constitution of the State of Indiana

and Indiana law.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-2-4**

##### **Prosecution for offense by inmate of state penal institution; state's liability for costs**

Sec. 4. (a) The state shall pay all costs of trial in a prosecution for an offense committed:

- (1) by an inmate of a state correctional facility; and
- (2) in the county in which the correctional facility is located.

(b) The costs of trial to be paid under this section include:

- (1) court fees; and
- (2) expenses incurred by the county sheriff in returning the defendant to the jurisdiction of the court and keeping the defendant in custody until trial.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-2-5**

##### **Fees prescribed by IC 33-37-4-1; fine or penalty in addition to costs**

Sec. 5. The fees prescribed by IC 33-37-4-1 are costs and may be collected from a defendant against whom a conviction is entered. A fine or penalty imposed is in addition to costs.

*As added by P.L.98-2004, SEC.16.*